REMARKS

This Preliminary Amendment is being submitted together with a Request for Continued Examination in response to the final Office Action mailed in the application on January 26, 2005. Claims 1-6, 10-27 and 31-40 and 43 are pending. Claims 1, 4-6, 13, 14, 16, 20, 22, 25-27, 34, 35, 37, 39, 40 and 43 have been amended. Claims 7-9, 28-30, 41 and 42 were previously cancelled.

A check for payment of the fee for the Request for Continued Examination ($790) is being filed with this Preliminary Amendment. Authorization is granted to charge our deposit account No. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has rejected applicant's claims 1-6, 9-16, 19-27, 30-37 and 39-43 under 35 U.S.C. § 103(a) as being unpatentable over Patton et al. (U.S. Patent No. 6,408,301) in view of Jernigan, IV et al. (U.S. Patent No. 5,574,907). The Examiner has rejected applicant's claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Patton et al. patent in view of Jernigan, IV et al., and further in view of Levy et al. (U.S. Patent No. 6,505,160). Insofar as claims 9, 30, 41 and 42 were cancelled in a previously filed amendment, as acknowledged by the Examiner in paragraph 1 of the Detailed Action, the Examiner's rejection of such claims is moot. With respect to applicant's pending claims, as amended, the Examiner's rejections are respectfully traversed.

With respect to the Examiner's rejection of independent claims 1, 22, 39, 40 and 43, applicant's independent claims have been amended to better define applicant's invention. Particularly, applicant's independent claims 1 and 43, which are directed to an information processing method for storing a plurality of files having both content data and metadata related to the content data, have been amended to recite a reading step of reading a file, a determining

step of determining whether the read file includes metadata, and a separating step of separating the read file into metadata and content data if it is determined in the determining step that the read file includes metadata. Applicant's independent claims 1 and 43 further recite a first storage step of storing the metadata of the read file into a first block storage area; a second storage step of storing content data of the read file related to the metadata into a second block storage area; and a third storage step of storing link information that links the metadata of the plurality of files stored in the first block storage area with content data of the plurality of files stored in the second block storage area, in correspondence with the metadata, into the first block storage area. Applicant's independent claims 22, 39 and 40, which are directed to an information processing apparatus, control program and storage medium, respectively, have been similarly amended.

According to the Examiner, the cited Patton et al. patent discloses an information processing method for storing binary data and metadata related to the binary data into a storage medium, comprising a first storage step, second storage step and third storage step, wherein the "binary data" corresponds to "still image data," "second storage area" corresponds to the area in which image data is stored, and "link information" corresponds to "image links" and is stored in disk 16 as shown in FIG. 3 and therefore must be stored adjacent the metadata. The Examiner further argues that while Patton et al. do not specifically disclose the order of storing the binary data, metadata and linking data, a specific choice of sequence would have been obvious to one of ordinary skill in the art.

The Examiner also acknowledges that Patton et al. do not teach that the storage area is a continuous area. According to the Examiner, the Jernigan patent discloses a method for defragmenting file data stored on a disk, in two stages in which linking information (FAT and

MDFAT) are rearranged into adjacent variable length clusters with no intervening vacant sectors. The Examiner concludes that it would have been obvious to one with ordinary skill in the art at the time the invention was made to store metadata, binary data and linking information in a continuous area "because it is desirable to defragment the disk such that all files are stored in contiguous clusters." Applicant respectfully disagrees.

Applicant's invention is characterized by separating each file into content data and metadata, and separately storing the set of content data and the set of metadata of a plurality of files into different contiguous storage block areas, as shown in FIG. 5. Continuous storage of the metadata of the plurality of files in the metadata storage area 503 enables high speed searching, when metadata is referred to in the search processing (Page 9, line 17-Page 10, line 12).

Applicant submits that the cited Patton et al. patent, either alone or in combination with the Jernigan, IV et al. patent, does not teach or suggest the information processing method, apparatus, control program or storage medium of applicant's amended independent claims. In particular, applicant's invention as recited in claims 1, 22, 39, 40 and 43 requires reading a file, determining whether the read file includes metadata, and separating the read file into metadata and content data if it is determined that the read file includes metadata. Such features are not taught or suggested by the cited patents.

As acknowledged by the Examiner in the Office Action, Patton et al. does not teach or suggest that the storage area for metadata is a continuous area, as required by applicant's claims. Patton et al. further fail to teach or suggest separating a file into metadata and content data and storing such data sets in separate areas.

The Jernigan, IV et al. patent teaches storing file data in the first available vacant space and storing leftover data in the next available vacant space. Such stored data is not separated into content data and metadata before being stored on a disk. Moreover, according to the Jernigan patent, if the next available vacant space is located at a distant portion of the disk, the file data may be stored in several non-adjacent clusters at various locations on the disk. (Col. 4, lines 14-28). Thus, since the data is stored in continuous areas that are as far as possible, Jernigan teaches defragmentation by a two-stage process wherein data (FAT and MDFAT) is rearranged into adjacent clusters and moved into adjacent variable-length clusters. (Col. 8, lines 36-49). However, the Jernigan patent fails to teach or suggest separating file data into content data and metadata, storing metadata in a first area that is a continuous area, and storing content data in a second area other than the first area, as required by applicant's amended claims.

In view of the above, it is submitted that applicant's claims 1, 22, 39, 40 and 43, as amended, and their respective dependent claims, all patentably distinguish over the cited art of record. The cited Levy et al. patent adds nothing to change this conclusion. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Preliminary Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9278.

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Respectfully submitted,

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